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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA) No. CR 11-00802 CRB
v.)
HENRI PESSAH,)
Defendant.)
) **STIPULATION AND [PROPOSED]**
) **ORDER**
)
)

On October 27, 2011, a two-count Information was filed against the defendant. Dkt. #1. Count One charged bid rigging in San Mateo County, in violation of 15 U.S.C. § 1. Count Two charged conspiracy to commit mail fraud in San Mateo County, in violation of 18 U.S.C. § 1349. This Court accepted the defendant's guilty plea as to both counts on January 18, 2012. Dkt. #10.

On September 19, 2017, the United States and defendant are scheduled to appear before this Court to enter a new bid-rigging-only plea agreement. By that appearance date, a new plea agreement between the parties will be submitted to the Court.

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The execution of this Stipulation and [Proposed] Order is contingent upon the Court’s acceptance of the defendant’s forthcoming bid-rigging-only guilty plea pursuant to the new plea agreement. Following the Court’s acceptance of the defendant’s guilty plea, the United States and defendant stipulate to the dismissal of Count Two of the Information and request that the Court hold as follows:

1. The defendant's guilty plea to Count One, bid rigging in San Mateo County, in violation of 15 U.S.C. § 1, pursuant to the prior plea agreement is WITHDRAWN.

2. The defendant's guilty plea to Count Two, conspiracy to commit mail fraud in San Mateo County, in violation of 18 U.S.C. § 1349, pursuant to the prior plea agreement is WITHDRAWN.

3. The prior plea agreement lodged with the Court on February 1, 2012 (Dkt. #9), is WITHDRAWN.

IT IS SO STIPULATED.

DATED: September 18, 2017

/s/
EDWIN PRATHER
Counsel for Henri Pessah

DATED: September 18, 2017

/s/
GABRIEL R. MARTINEZ
U.S. Department of Justice
Antitrust Division

IT IS SO ORDERED.

DATED:

CHARLES R. BREYER
United States Chief District Judge